

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2001-284

May 3, 2001

PUBLIC UTILITIES COMMISSION  
Utility Service Area and Infrastructure  
Maps (Chapter 140)

NOTICE OF RULEMAKING

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WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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**I. SUMMARY**

Through this Notice, we initiate a rulemaking for a rule that will require and govern the filing of service area and infrastructure maps with the Commission by certain public utilities operating in the State.

**II. BACKGROUND**

The Commission has a statutory interest in the authorized service area boundaries of public utilities and in the location of their facilities within the State. Title 35-A, for example, requires the Commission to reach determinations about where a utility may serve and locate its facilities. For years, the Commission has required some utilities to file information about their operations in map form. For example, approved service territory exchange boundaries for local telephone utilities are established by exchange boundary maps filed as part of those utilities' terms and conditions, and we have traditionally reviewed infrastructure expansion plans filed by water utilities.

In addressing applications by utilities for authorization to serve or change service territories pursuant to 35-A M.R.S.A. §§ 2102 and 2105, we have encouraged utilities to file proposed service area maps to support the Commission's consideration of the request.<sup>1</sup>

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<sup>1</sup> See *Contel of Maine, Inc., Proposed Maps to Provide for Boundary Changes Between Contel and Bryant Pond Telephone Company*, Docket No. 90-083; *Bryant Pond Telephone Company, Proposed Boundary Changes Agreed Upon with Contel of Maine*, Docket No. 90-115; Order Approving Changes in Service Territory Pursuant to 35-A M.R.S.A. §§ 2102, 2105 and 1321 (Oct. 25, 1990) at 2. See also *Public Utilities Commission, Investigation of Authority of Madison Electric Works Pursuant to Section 1303 to Provide Service to Certain Portions of Madison, Anson, Starks and Norridgewock Without Approval Pursuant to Sections 2102 and 2105*, Docket No. 94-379, Order (Aug. 4, 1995) at 41.

After the January 1998 ice storm, we recognized the benefit of geographic information systems (GIS) in planning, mitigation, and outage and restoration management. We determined that we would expand the Commission's own GIS capabilities, as well as "develop and maintain a GIS database of utility infrastructure and service information" to support emergency management as well as the Commission's own analysis needs.<sup>2</sup> Some utilities are already developing this information for similar and other purposes.<sup>3</sup>

GIS is an important technical resource, and the development of an Enterprise GIS on a statewide basis is a current State priority. As GIS datasets become more widely available, we will be able to provide information to and work with utilities and other state agencies to enhance preparation for, response to, and recovery from system disruptions.

Finally, one of the enormous strengths of GIS is that, in some ways like the Internet, it builds upon itself; once accurate data is gathered and incorporated, it can be used and correlated with other data indefinitely. Put another way, the more the system is expanded and used, the more valuable it will become to all who use it.

Absent a Commission standard to collect both service area and infrastructure information from utilities, it would be difficult, and in some cases impossible, to compare data from one utility to that of another. We propose to adopt a Rule that will provide a uniform filing requirement for all utilities covered by the Rule, both for service area and for infrastructure data. Because those two types of data differ significantly in their nature, our proposed Rule contains different provisions for each type.

We propose this Rule to improve the efficiency of the Commission's analysis of utility service, to respond to the most frequent requests for service area information received by the Commission, and to enhance the Commission's ability to support emergency management planning activities.

### **III. DISCUSSION OF PROPOSED RULE**

#### Section 1: General Provisions

Section 1 of the proposed Rule indicates the entities covered by the Rule, defines terms used in the Rule, and sets forth the general format of maps to be provided pursuant to the Rule.

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<sup>2</sup> See *Public Utilities Commission, Inquiry into the Response by Public Utilities in Maine to the January 1998 Ice Storm*, Docket No. 98-026, Order (Dec. 29, 1998) at 46.

<sup>3</sup> For example, Maine's Dig Safe statute (23 M.R.S.A. § 3360) requires gas utilities to file infrastructure information with state, county, and local emergency management organizations.

Subsection 1 limits the applicability of the proposed rule to gas utilities, electric transmission and distribution (T&D) utilities, water utilities that serve more than 5,000 customer accounts in Maine, and telephone utilities providing local exchange or interexchange services with physical facilities in Maine.

We propose to limit the applicability of the rule to water utilities that serve the more populated areas in Maine. To avoid unnecessary burdens on smaller utilities, we will not require that they make automatic filings, but we will request similar information from those utilities separately in the event that we need it.

We also propose to restrict the applicability of the rule to incumbent local exchange carriers (ILECs), to competitive local exchange carriers (CLECs) that the Commission has designated as eligible telecommunications carriers (ETCs) pursuant to the Telecommunications Act of 1996, and to interexchange carriers (IXCs) with facilities in Maine. We propose to exempt IXCs from Section 2 of the Rule (pertaining to service area and wire center boundary maps), and to exempt T&D utilities that provide service only on offshore islands from Section 3 of the Rule (pertaining to infrastructure maps). We further exempt CLECs from filing requirements contained in Section 2 of the Rule to the extent that their territory is the same as an underlying ILEC.

Subsection 2 provides definitions for the terms “key infrastructure” and “key infrastructure attributes” as used in the Rule. The proposed Rule requires utilities to which the proposed Rule applies (except IXCs) to file certain information (“attributes”) about key elements of their infrastructure. For T&D utilities, the Rule requires information about electric transmission systems in Maine. We solicit comment on how we should define transmission facilities (as distinguished from distribution facilities) for the purposes of this Chapter. We recognize that T&D utilities presently have different definitions. We solicit comment on whether we should establish a uniform standard, and if so what that standard should be.

Our current intent is to broaden this requirement in the future to include primary distribution infrastructure so that we can more effectively evaluate service quality issues on a disaggregated basis, but are concerned that including distribution infrastructure initially may impose an unreasonable burden on some T&D utilities. We solicit comment, however, on whether the requirements of this Rule should include primary distribution circuits at this time, or whether we should delay including distribution circuits.

This subsection requires, *inter alia*, that telephone utilities identify the circuit capacity of key infrastructure as determined by the number of voice-grade-equivalent circuits. We recognize the possibly dynamic nature of that characteristic over time, and thus we solicit comment on alternatives to categorize circuit capacities.

Subsection 3 provides general instructions on the format of paper copy maps to be filed with the Commission, and subsection 4 provides similar information for electronic copy maps (e.g., GIS datasets provided on diskettes or CDs). Subsections 3

and 4 provide that the Director of Technical Analysis shall publish detailed map specifications for filings required by the Rule. We have delegated this responsible to the Director so that we may incorporate technological changes such as software improvements in our standardization of this process without the need for additional formal rulemaking processes. We have attached to the proposed rule a preliminary set of such specifications for comment. We solicit comment on whether any portion of the proposed specifications should be incorporated directly into the Rule, rather than established separately by the Director of Technical Analysis.

### Section 2: Service Area and Wire Center Boundary Maps

Section 2 of the proposed Rule governs the filing of maps of utility authorized service areas, including districts, exchange, and wire center areas.

Subsection 1 requires that utilities to which the proposed Rule applies develop and maintain current maps of the areas in which they are authorized by the Legislature or the Commission to provide service. ILEC telephone utilities already have such maps on file in paper copy form as part of their schedules of terms and conditions filed pursuant to 35-A M.R.S.A. § 304. We propose to use a similar format as that already in use by these utilities for the purposes of this Rule. This subsection states that the Commission will make service area maps available to the public.

Subsection 1(A) contains specific requirements for T&D, gas, and water utilities. This subsection limits when utilities must file service area maps pursuant to this Section of the Rule.

Subsection 1(B) contains specific requirements for local exchange carrier telephone utilities. Subsection 1(C) limits circumstances when CLECs must file service area maps pursuant to this Section of the Rule.

Subsection 2 requires that a utility seeking approval from the Commission to change its service area must seek that approval as required by law and file supporting map information unless exempt under Subsection 1. This subsection provides that the Commission will consider the supporting map information as filed in compliance with a Commission order approving the service area change, and delegates approval of any corrections to the proposed map to the Director of Technical Analysis.

Subsection 3 requires that when a utility does not need specific Commission approval pursuant to 35-A M.R.S.A. § 2102, 2103, or 2104 to change its service area, (e.g., because no utility is providing similar service or has authority to do so), it shall file such changes as proposed modifications to its terms and conditions pursuant to 35-A M.R.S.A. § 307. Subsection 4 establishes a similar requirement for proposed LEC exchange boundary changes that do not result in changes to the utility's overall service territory.

Subsection 5 provides that service territory map changes other than those specified in Subsections 2 through 4 (e.g., changes to administrative districts and telephone wire center boundaries where the changes do not affect an exchange boundary) are not part of utilities' terms and conditions, and that they be filed for effect on 10 days' notice. This subsection delegates to the Director of Technical Analysis the authority to request utilities to correct filed information and to approve any resulting changes to that information.

In the past, filings of service area boundaries agreed to between utilities have occasionally been made by only one of the utilities involved, but not the other(s), leading to inconsistent information on file about where service area boundaries have been authorized by the Commission. As a result, the Commission could not approve a proposed change without a delay for additional administrative processes involving all affected utilities. Subsection 6 requires that if two utilities propose changes that will result in the shift of a single service area boundary between them, they jointly propose those changes in order to expedite Commission review and approval. We note that nothing in state law precludes overlapping boundaries, but the question of whether competition may exist between utilities is generally a policy question for the Commission to decide. For telephone service, however, the Federal Telecommunications Act of 1996 precludes the Commission from prohibiting overlapping service areas. See 47 USC § 253.

In addition to requiring that maps be filed in paper form, Subsection 7 requires they be filed in electronic form unless that requirement is waived in advance by the Director of Technical Analysis. We have proposed this specific waiver condition so that the Director may assess whether the electronic filing requirement may be a burden for some utilities that may not yet have ready access to that capability. In our role in support of the State's emergency management related to utility service issues, we may need to provide certain utility service area and infrastructure information to emergency managers on short notice. This subsection requires that two copies of both paper and electronic form maps and data be filed with the Commission to expedite that process.

Subsection 8 requires that utilities subject to the Rule file initial service area maps by September 30, 2001. This subsection requires that ILECs confirm that the service area maps already on file are correct, current, and conform with other provisions of the Rule, or file corrected maps by that date.

### Section 3: Infrastructure Maps

Section 3 of the proposed Rule governs filing of maps of key infrastructure used by utilities in the State.

Subsection 1 requires that utilities to which the proposed Rule applies (except T&D utilities that provide service only on offshore islands) develop and maintain current maps of their key infrastructure used for the production, transport, and transmission of services in Maine, including attributes that describe elements of that infrastructure. For

gas utilities, this section further requires similar information for distribution infrastructure. We solicit comment on whether we should extend this requirement to include T&D utility distribution circuits at this time or if we should delay this requirement for a specified period of time.

Some utilities may not have geographically-located data on certain lines (e.g., where a utility currently has point-to-point data but not the actual physical location of such lines in a format that would facilitate its being mapped). Subsection 2 permits utilities to file single-line diagrams illustrating that infrastructure between geographically-located midpoints or endpoints (e.g., remote telephone switches or T&D substations).

Subsection 3 requires that utilities file infrastructure maps covering both their entire service area in Maine and also more discrete and detailed levels, for informational purposes, within 30 days after the end of each calendar quarter. If no changes to the information reflected in the last filing have been made since that filing, this subsection allows utilities to file a statement to that effect in lieu of maps. This subsection requires that two paper copies of maps be filed, together with two copies in electronic form unless waived in advance by the Director of Technical Analysis.

While we wish to avoid any unnecessary burden on utilities due to the frequency of these filings, we are concerned that we maintain current information about the status of key utility infrastructure at all times. Accordingly, we solicit comment whether the quarterly filing requirement contained in the proposed Rule should be modified to require either more frequent or less frequent filings, or whether filings should be based on a triggering event of some sort (e.g., the placement into service of a facility above a stated capacity).

Subsection 4 requires that infrastructure maps clearly identify locations of interconnections between utilities and between utilities and other suppliers and carriers.

Subsection 5 states that the Commission will make infrastructure maps available to the public unless the Commission issues a protective order to restrict the distribution of specific infrastructure information, the release of which could reveal confidential utility business information or jeopardize the security of utility systems.<sup>4</sup> This subsection allows a utility to provide one copy of a paper map with the sensitive information excluded with a request for the Commission to issue such a protective order.

Subsection 6 requires that gas utilities file maps of their key infrastructure by September 30, 2001 and other utilities subject to the Rule to file initial infrastructure maps by December 31, 2001.

#### Section 4: Waiver

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<sup>4</sup> The Legislature has recently enacted L.D. 931 to grant authority to provide the latter protection.

Section 4 of the proposed Rule provides that the Commission, the Commission's Administrative Director, Director of Technical Analysis, the Hearing Examiner or Presiding Officer assigned to a proceeding related to this Rule may grant a requested waiver. This section requires that any waiver must be consistent with the purposes of the Rule.

#### **IV. RULEMAKING PROCEDURES**

This rulemaking will be conducted according to the procedures set forth in 5 M.R.S.A. §§ 8051-8058. A public hearing on this matter is scheduled for 1:00 pm on June 7, 2001 in the Commission's Hearing Room, 242 State Street, Augusta, Maine. Written comments on the Proposed Rule may be filed with the Administrative Director, Maine Public Utilities Commission, 18 State House Station, 242 State Street, Augusta, Maine 04333-0018, no later than June 21, 2001. Please refer to the docket number of this proceeding (Docket No. 2001-284) when submitting comments. The Commission anticipates it will conclude this rulemaking proceeding by October 19, 2001.

#### **V. FISCAL AND ECONOMIC EFFECTS**

In accordance with 5 M.R.S.A. § 8057-A(1), the Commission expects the fiscal impact of this Rule to be minimal. However, we invite all interested parties to comment on the fiscal impact and all other implications of this Proposed Rule.

#### **VI. SERVICE**

The Administrative Director shall send copies of this Notice and the attached Proposed Rule to:

1. All gas utilities;
2. All electric transmission and distribution utilities;
3. All water utilities;
4. All local exchange carrier telephone utilities;
5. All interexchange carrier telephone utilities with facilities in Maine;
6. All persons who have filed a written request with the Commission within the last year for Notices of Rulemaking;
7. The Secretary of State for publication in accordance with 5 M.R.S.A. § 8053(5); and
8. The Executive Director of the Legislative Council (20 copies).

#### **VII. ORDERING PARAGRAPHS**

Accordingly, we

**ORDER**

1. That the Administrative Director send copies of this Notice and the attached Proposed Rule to all the persons listed above and compile a service list of all such persons and any persons submitting written comments on the Proposed Rule;
2. That the Administrative Director send a copy of this Notice to the Secretary of State for publication in accordance with 5 M.R.S.A. § 8053; and
3. That this Notice and Proposed Rule be posted on the Commission's web site at <http://janus.state.me.us/mpuc>.

Dated at Augusta, Maine, this 3<sup>rd</sup> day of May, 2001.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond